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STEEL TREATING, INC.**

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

LOS ANGELES WATERKEEPER,  
Plaintiff,  
vs.  
ACCURATE STEEL TREATING,  
INC.,  
Defendant.

Case No. 2:24-cv-07503-SK  
**ANSWER TO COMPLAINT**  
Judge: Magistrate Steve Kim, Crtrm.  
540, 5<sup>th</sup> Floor  
Trial Date: None Set

COMES NOW Defendant, ACCURATE STEEL TREATING, INC. (“Defendant”) and in answering the Complaint of Plaintiffs LOS ANGELES WATERKEEPER (“Plaintiff”), herein deny and allege as follows:

## **I. JURISDICTION AND VENUE**

1. The allegations in this Paragraph are legal conclusions which do not require a response. To the extent such a response is required, Defendant responds: Deny.

2. Defendant lacks sufficient information at this time to affirmatively admit or deny the allegations in this Paragraph, and on that basis responds: Deny.

3. Defendant lacks sufficient information at this time to affirmatively admit or deny the allegations in this Paragraph, and on that basis responds: Deny.

4. The allegations in this Paragraph are legal conclusions which do not

1 require a response. To the extent such a response is required, Defendant responds:  
2 Deny.

3 **II. INTRODUCTION**

4 5. Defendant Admits the allegations of this Paragraph.

5 6. The allegations in this Paragraph are legal conclusions which do not  
6 require a response. To the extent such a response is required, Defendant responds:  
7 Deny.

8 7. The allegations in this Paragraph are legal conclusions which do not  
9 require a response. To the extent such a response is required, Defendant responds:  
10 Deny.

11 8. The allegations in this Paragraph are legal conclusions which do not  
12 require a response. To the extent such a response is required, Defendant responds:  
13 Deny.

14 9. The allegations in this Paragraph are legal conclusions which do not  
15 require a response. To the extent such a response is required, Defendant responds:  
16 Deny.

17 10. The allegations in this Paragraph are legal conclusions which do not  
18 require a response. To the extent such a response is required, Defendant responds:  
19 Deny.

20 11. The allegations in this Paragraph are legal conclusions which do not  
21 require a response. To the extent such a response is required, Defendant responds:  
22 Deny.

23 12. The allegations in this Paragraph are legal conclusions which do not  
24 require a response. To the extent such a response is required, Defendant responds:  
25 Deny.

26 13. The allegations in this Paragraph are legal conclusions which do not  
27 require a response. To the extent such a response is required, Defendant responds:  
28 Deny.

1       14. The allegations in this Paragraph are legal conclusions which do not  
2 require a response. To the extent such a response is required, Defendant responds:  
3 Deny.

4       15. The allegations in this Paragraph are legal conclusions which do not  
5 require a response. To the extent such a response is required, Defendant responds:  
6 Deny.

7       16. The allegations in this Paragraph are legal conclusions which do not  
8 require a response. To the extent such a response is required, Defendant responds:  
9 Deny.

10       17. The allegations in this Paragraph are legal conclusions which do not  
11 require a response. To the extent such a response is required, Defendant responds:  
12 Deny.

13       18. The allegations in this Paragraph are legal conclusions which do not  
14 require a response. To the extent such a response is required, Defendant responds:  
15 Deny.

16       19. The allegations in this Paragraph are legal conclusions which do not  
17 require a response. To the extent such a response is required, Defendant responds:  
18 Deny.

19       20. The allegations in this Paragraph are legal conclusions which do not  
20 require a response. To the extent such a response is required, Defendant responds:  
21 Deny.

22       21. The allegations in this Paragraph are legal conclusions which do not  
23 require a response. To the extent such a response is required, Defendant responds:  
24 Deny.

25       22. The allegations in this Paragraph are legal conclusions which do not  
26 require a response. To the extent such a response is required, Defendant responds:  
27 Deny.

28       23. The allegations in this Paragraph are legal conclusions which do not

1 require a response. To the extent such a response is required, Defendant responds:  
2 Deny.

3       24. The allegations in this Paragraph are legal conclusions which do not  
4 require a response. To the extent such a response is required, Defendant responds:  
5 Deny.

6       25. The allegations in this Paragraph are legal conclusions which do not  
7 require a response. To the extent such a response is required, Defendant responds:  
8 Deny.

9 **III. PARTIES**

10       26. Defendant lacks sufficient information at this time to affirmatively  
11 admit or deny the allegations in this Paragraph, and on that basis responds: Deny.

12       27. Defendant lacks sufficient information at this time to affirmatively  
13 admit or deny the allegations in this Paragraph, and on that basis responds: Deny.

14       28. Defendant lacks sufficient information at this time to affirmatively  
15 admit or deny the allegations in this Paragraph, and on that basis responds: Deny.

16       29. Defendant lacks sufficient information at this time to affirmatively  
17 admit or deny the allegations in this Paragraph, and on that basis responds: Deny.

18       30. Defendant lacks sufficient information at this time to affirmatively  
19 admit or deny the allegations in this Paragraph, and on that basis responds: Deny.

20       31. Defendant lacks sufficient information at this time to affirmatively  
21 admit or deny the allegations in this Paragraph, and on that basis responds: Deny.

22       32. Defendant lacks sufficient information at this time to affirmatively  
23 admit or deny the allegations in this Paragraph, and on that basis responds: Deny.

24       33. The allegations in this Paragraph are legal conclusions which do not  
25 require a response. To the extent such a response is required, Defendant responds:  
26 Deny.

27       34. Defendant Admits the allegations of this Paragraph.

28       35. The allegations in this Paragraph are legal conclusions which do not

1 require a response. To the extent such a response is required, Defendant responds:  
2 Deny.

3       36. The allegations in this Paragraph are legal conclusions which do not  
4 require a response. To the extent such a response is required, Defendant responds:  
5 Deny.

6       37. The allegations in this Paragraph are legal conclusions which do not  
7 require a response. To the extent such a response is required, Defendant responds:  
8 Deny.

9 **IV. LEGAL BACKGROUND**

10       A. Clean Water Act

11       38. The allegations in this Paragraph are legal conclusions which do not  
12 require a response. To the extent such a response is required, Defendant responds:  
13 Deny.

14       39. The allegations in this Paragraph are legal conclusions which do not  
15 require a response. To the extent such a response is required, Defendant responds:  
16 Deny.

17       40. The allegations in this Paragraph are legal conclusions which do not  
18 require a response. To the extent such a response is required, Defendant responds:  
19 Deny.

20       41. The allegations in this Paragraph are legal conclusions which do not  
21 require a response. To the extent such a response is required, Defendant responds:  
22 Deny.

23       42. The allegations in this Paragraph are legal conclusions which do not  
24 require a response. To the extent such a response is required, Defendant responds:  
25 Deny.

26       43. The allegations in this Paragraph are legal conclusions which do not  
27 require a response. To the extent such a response is required, Defendant responds:  
28 Deny.

1       44. The allegations in this Paragraph are legal conclusions which do not  
2 require a response. To the extent such a response is required, Defendant responds:  
3 Deny.

4       45. The allegations in this Paragraph are legal conclusions which do not  
5 require a response. To the extent such a response is required, Defendant responds:  
6 Deny.

7           B. California's General Industrial Storm Water Permit

8       46. The allegations in this Paragraph are legal conclusions which do not  
9 require a response. To the extent such a response is required, Defendant responds:  
10 Deny.

11       47. The allegations in this Paragraph are legal conclusions which do not  
12 require a response. To the extent such a response is required, Defendant responds:  
13 Deny.

14       48. The allegations in this Paragraph are legal conclusions which do not  
15 require a response. To the extent such a response is required, Defendant responds:  
16 Deny.

17       49. The allegations in this Paragraph are legal conclusions which do not  
18 require a response. To the extent such a response is required, Defendant responds:  
19 Deny.

20       50. The allegations in this Paragraph are legal conclusions which do not  
21 require a response. To the extent such a response is required, Defendant responds:  
22 Deny.

23       51. The allegations in this Paragraph are legal conclusions which do not  
24 require a response. To the extent such a response is required, Defendant responds:  
25 Deny.

26       52. The allegations in this Paragraph are legal conclusions which do not  
27 require a response. To the extent such a response is required, Defendant responds:  
28 Deny.

1       53. The allegations in this Paragraph are legal conclusions which do not  
2 require a response. To the extent such a response is required, Defendant responds:  
3 Deny.

4       54. The allegations in this Paragraph are legal conclusions which do not  
5 require a response. To the extent such a response is required, Defendant responds:  
6 Deny.

7       55. The allegations in this Paragraph are legal conclusions which do not  
8 require a response. To the extent such a response is required, Defendant responds:  
9 Deny.

10       56. The allegations in this Paragraph are legal conclusions which do not  
11 require a response. To the extent such a response is required, Defendant responds:  
12 Deny.

13       57. The allegations in this Paragraph are legal conclusions which do not  
14 require a response. To the extent such a response is required, Defendant responds:  
15 Deny.

16       58. The allegations in this Paragraph are legal conclusions which do not  
17 require a response. To the extent such a response is required, Defendant responds:  
18 Deny.

19       59. The allegations in this Paragraph are legal conclusions which do not  
20 require a response. To the extent such a response is required, Defendant responds:  
21 Deny.

22       60. The allegations in this Paragraph are legal conclusions which do not  
23 require a response. To the extent such a response is required, Defendant responds:  
24 Deny.

25       61. The allegations in this Paragraph are legal conclusions which do not  
26 require a response. To the extent such a response is required, Defendant responds:  
27 Deny.

28       62. The allegations in this Paragraph are legal conclusions which do not

1 require a response. To the extent such a response is required, Defendant responds:  
2 Deny.

3       63. The allegations in this Paragraph are legal conclusions which do not  
4 require a response. To the extent such a response is required, Defendant responds:  
5 Deny.

6       64. The allegations in this Paragraph are legal conclusions which do not  
7 require a response. To the extent such a response is required, Defendant responds:  
8 Deny.

9       65. The allegations in this Paragraph are legal conclusions which do not  
10 require a response. To the extent such a response is required, Defendant responds:  
11 Deny.

12       66. The allegations in this Paragraph are legal conclusions which do not  
13 require a response. To the extent such a response is required, Defendant responds:  
14 Deny.

15       67. The allegations in this Paragraph are legal conclusions which do not  
16 require a response. To the extent such a response is required, Defendant responds:  
17 Deny.

18       68. The allegations in this Paragraph are legal conclusions which do not  
19 require a response. To the extent such a response is required, Defendant responds:  
20 Deny.

21       69. The allegations in this Paragraph are legal conclusions which do not  
22 require a response. To the extent such a response is required, Defendant responds:  
23 Deny.

24       70. The allegations in this Paragraph are legal conclusions which do not  
25 require a response. To the extent such a response is required, Defendant responds:  
26 Deny.

27       71. The allegations in this Paragraph are legal conclusions which do not  
28 require a response. To the extent such a response is required, Defendant responds:

1 Deny.

2       72. The allegations in this Paragraph are legal conclusions which do not  
3 require a response. To the extent such a response is required, Defendant responds:

4 Deny.

5       73. The allegations in this Paragraph are legal conclusions which do not  
6 require a response. To the extent such a response is required, Defendant responds:  
7 Deny.

8       74. The allegations in this Paragraph are legal conclusions which do not  
9 require a response. To the extent such a response is required, Defendant responds:  
10 Deny.

11 **V. STATEMENT OF FACTS**

12       A. The Facility

13       75. Defendant Admits the allegations of this Paragraph.

14       76. Defendant lacks sufficient information at this time to affirmatively  
15 admit or deny the allegations in this Paragraph, and on that basis responds: Deny.

16       77. Defendant lacks sufficient information at this time to affirmatively  
17 admit or deny the allegations in this Paragraph, and on that basis responds: Deny.

18       78. The allegations in this Paragraph are legal conclusions which do not  
19 require a response. To the extent such a response is required, Defendant responds:  
20 Deny.

21       79. Defendant Admits the allegations of this Paragraph.

22       80. Defendant Admits the allegations of this Paragraph.

23       81. The allegations in this Paragraph are legal conclusions which do not  
24 require a response. To the extent such a response is required, Defendant responds:  
25 Deny.

26       82. Defendant lacks sufficient information at this time to affirmatively  
27 admit or deny the allegations in this Paragraph, and on that basis responds: Deny.

28       83. Defendant lacks sufficient information at this time to affirmatively

1 admit or deny the allegations in this Paragraph, and on that basis responds: Deny.

2       84. Defendant lacks sufficient information at this time to affirmatively  
 3 admit or deny the allegations in this Paragraph, and on that basis responds: Deny.

4       85. Defendant lacks sufficient information at this time to affirmatively  
 5 admit or deny the allegations in this Paragraph, and on that basis responds: Deny.

6       86. The allegations in this Paragraph are legal conclusions which do not  
 7 require a response. To the extent such a response is required, Defendant responds:  
 8 Deny.

9       87. The allegations in this Paragraph are legal conclusions which do not  
 10 require a response. To the extent such a response is required, Defendant responds:  
 11 Deny.

12       88. The allegations in this Paragraph are legal conclusions which do not  
 13 require a response. To the extent such a response is required, Defendant responds:  
 14 Deny.

15       89. The allegations in this Paragraph are legal conclusions which do not  
 16 require a response. To the extent such a response is required, Defendant responds:  
 17 Deny.

18       90. The allegations in this Paragraph are legal conclusions which do not  
 19 require a response. To the extent such a response is required, Defendant responds:  
 20 Deny.

21       B. The Facility's Storm Water Discharges

22       91. Defendant lacks sufficient information at this time to affirmatively  
 23 admit or deny the allegations in this Paragraph, and on that basis responds: Deny.

24       92. The allegations in this Paragraph are legal conclusions which do not  
 25 require a response. To the extent such a response is required, Defendant responds:  
 26 Deny.

27       93. The allegations in this Paragraph are legal conclusions which do not  
 28 require a response. To the extent such a response is required, Defendant responds:

1 Deny.

2       94. The allegations in this Paragraph are legal conclusions which do not  
3 require a response. To the extent such a response is required, Defendant responds:

4 Deny.

5       95. The allegations in this Paragraph are legal conclusions which do not  
6 require a response. To the extent such a response is required, Defendant responds:  
7 Deny.

8       96. The allegations in this Paragraph are legal conclusions which do not  
9 require a response. To the extent such a response is required, Defendant responds:  
10 Deny.

11       97. The allegations in this Paragraph are legal conclusions which do not  
12 require a response. To the extent such a response is required, Defendant responds:  
13 Deny.

14       98. The allegations in this Paragraph are legal conclusions which do not  
15 require a response. To the extent such a response is required, Defendant responds:  
16 Deny.

17       99. The allegations in this Paragraph are legal conclusions which do not  
18 require a response. To the extent such a response is required, Defendant responds:  
19 Deny.

20       100. The allegations in this Paragraph are legal conclusions which do not  
21 require a response. To the extent such a response is required, Defendant responds:  
22 Deny.

23       101. The allegations in this Paragraph are legal conclusions which do not  
24 require a response. To the extent such a response is required, Defendant responds:  
25 Deny.

26       102. The allegations in this Paragraph are legal conclusions which do not  
27 require a response. To the extent such a response is required, Defendant responds:  
28 Deny.

1       103. The allegations in this Paragraph are legal conclusions which do not  
2 require a response. To the extent such a response is required, Defendant responds:  
3 Deny.

4       104. The allegations in this Paragraph are legal conclusions which do not  
5 require a response. To the extent such a response is required, Defendant responds:  
6 Deny.

7       105. The allegations in this Paragraph are legal conclusions which do not  
8 require a response. To the extent such a response is required, Defendant responds:  
9 Deny.

10      106. The allegations in this Paragraph are legal conclusions which do not  
11 require a response. To the extent such a response is required, Defendant responds:  
12 Deny.

13      107. The allegations in this Paragraph are legal conclusions which do not  
14 require a response. To the extent such a response is required, Defendant responds:  
15 Deny.

16      108. The allegations in this Paragraph are legal conclusions which do not  
17 require a response. To the extent such a response is required, Defendant responds:  
18 Deny.

19      109. The allegations in this Paragraph are legal conclusions which do not  
20 require a response. To the extent such a response is required, Defendant responds:  
21 Deny.

22      110. The allegations in this Paragraph are legal conclusions which do not  
23 require a response. To the extent such a response is required, Defendant responds:  
24 Deny.

25      111. The allegations in this Paragraph are legal conclusions which do not  
26 require a response. To the extent such a response is required, Defendant responds:  
27 Deny.

28      112. The allegations in this Paragraph are legal conclusions which do not

1 require a response. To the extent such a response is required, Defendant responds:  
2 Deny.

3       113. The allegations in this Paragraph are legal conclusions which do not  
4 require a response. To the extent such a response is required, Defendant responds:  
5 Deny.

6       114. The allegations in this Paragraph are legal conclusions which do not  
7 require a response. To the extent such a response is required, Defendant responds:  
8 Deny.

9       115. The allegations in this Paragraph are legal conclusions which do not  
10 require a response. To the extent such a response is required, Defendant responds:  
11 Deny.

12        116. The allegations in this Paragraph are legal conclusions which do not  
13 require a response. To the extent such a response is required, Defendant responds:  
14 Deny.

15        117. The allegations in this Paragraph are legal conclusions which do not  
16 require a response. To the extent such a response is required, Defendant responds:  
17 Deny.

18        118. The allegations in this Paragraph are legal conclusions which do not  
19 require a response. To the extent such a response is required, Defendant responds:  
20 Deny.

## 21 | VI. CLAIMS FOR RELIEF

## **FIRST CLAIM FOR RELIEF**

23        119. The allegations in this Paragraph are legal conclusions which do not  
24 require a response. To the extent such a response is required, Defendant responds:  
25 Deny.

26       120. The allegations in this Paragraph are legal conclusions which do not  
27 require a response. To the extent such a response is required, Defendant responds:  
28 Deny.

1       121. The allegations in this Paragraph are legal conclusions which do not  
 2 require a response. To the extent such a response is required, Defendant responds:  
 3 Deny.

4       122. The allegations in this Paragraph are legal conclusions which do not  
 5 require a response. To the extent such a response is required, Defendant responds:  
 6 Deny.

7       123. The allegations in this Paragraph are legal conclusions which do not  
 8 require a response. To the extent such a response is required, Defendant responds:  
 9 Deny.

10      124. The allegations in this Paragraph are legal conclusions which do not  
 11 require a response. To the extent such a response is required, Defendant responds:  
 12 Deny.

13      125. The allegations in this Paragraph are legal conclusions which do not  
 14 require a response. To the extent such a response is required, Defendant responds:  
 15 Deny.

16      126. The allegations in this Paragraph are legal conclusions which do not  
 17 require a response. To the extent such a response is required, Defendant responds:  
 18 Deny.

19      127. The allegations in this Paragraph are legal conclusions which do not  
 20 require a response. To the extent such a response is required, Defendant responds:  
 21 Deny.

### **SECOND CLAIM FOR RELIEF**

22      128. The allegations in this Paragraph are legal conclusions which do not  
 23 require a response. To the extent such a response is required, Defendant responds:  
 24 Deny.

25      129. The allegations in this Paragraph are legal conclusions which do not  
 26 require a response. To the extent such a response is required, Defendant responds:  
 27 Deny.

1       130. The allegations in this Paragraph are legal conclusions which do not  
2 require a response. To the extent such a response is required, Defendant responds:  
3 Deny.

4       131. The allegations in this Paragraph are legal conclusions which do not  
5 require a response. To the extent such a response is required, Defendant responds:  
6 Deny.

7       132. The allegations in this Paragraph are legal conclusions which do not  
8 require a response. To the extent such a response is required, Defendant responds:  
9 Deny.

10      133. The allegations in this Paragraph are legal conclusions which do not  
11 require a response. To the extent such a response is required, Defendant responds:  
12 Deny.

13      134. The allegations in this Paragraph are legal conclusions which do not  
14 require a response. To the extent such a response is required, Defendant responds:  
15 Deny.

16      135. The allegations in this Paragraph are legal conclusions which do not  
17 require a response. To the extent such a response is required, Defendant responds:  
18 Deny.

19      136. The allegations in this Paragraph are legal conclusions which do not  
20 require a response. To the extent such a response is required, Defendant responds:  
21 Deny.

22      137. The allegations in this Paragraph are legal conclusions which do not  
23 require a response. To the extent such a response is required, Defendant responds:  
24 Deny.

25      138. The allegations in this Paragraph are legal conclusions which do not  
26 require a response. To the extent such a response is required, Defendant responds:  
27 Deny.

28

**THIRD CLAIM FOR RELIEF**

1           139. The allegations in this Paragraph are legal conclusions which do not  
2 require a response. To the extent such a response is required, Defendant responds:  
3 Deny.

4           140. The allegations in this Paragraph are legal conclusions which do not  
5 require a response. To the extent such a response is required, Defendant responds:  
6 Deny.

7           141. The allegations in this Paragraph are legal conclusions which do not  
8 require a response. To the extent such a response is required, Defendant responds:  
9 Deny.

10          142. The allegations in this Paragraph are legal conclusions which do not  
11 require a response. To the extent such a response is required, Defendant responds:  
12 Deny.

13          143. The allegations in this Paragraph are legal conclusions which do not  
14 require a response. To the extent such a response is required, Defendant responds:  
15 Deny.

16          144. The allegations in this Paragraph are legal conclusions which do not  
17 require a response. To the extent such a response is required, Defendant responds:  
18 Deny.

19          145. The allegations in this Paragraph are legal conclusions which do not  
20 require a response. To the extent such a response is required, Defendant responds:  
21 Deny.

22          146. The allegations in this Paragraph are legal conclusions which do not  
23 require a response. To the extent such a response is required, Defendant responds:  
24 Deny.

25          147. The allegations in this Paragraph are legal conclusions which do not  
26 require a response. To the extent such a response is required, Defendant responds:  
27 Deny.

**FOURTH CLAIM FOR RELIEF**

1           148. The allegations in this Paragraph are legal conclusions which do not  
2 require a response. To the extent such a response is required, Defendant responds:  
3 Deny.

4           149. The allegations in this Paragraph are legal conclusions which do not  
5 require a response. To the extent such a response is required, Defendant responds:  
6 Deny.

7           150. The allegations in this Paragraph are legal conclusions which do not  
8 require a response. To the extent such a response is required, Defendant responds:  
9 Deny.

10          151. The allegations in this Paragraph are legal conclusions which do not  
11 require a response. To the extent such a response is required, Defendant responds:  
12 Deny.

13          152. The allegations in this Paragraph are legal conclusions which do not  
14 require a response. To the extent such a response is required, Defendant responds:  
15 Deny.

16          153. The allegations in this Paragraph are legal conclusions which do not  
17 require a response. To the extent such a response is required, Defendant responds:  
18 Deny.

19          154. The allegations in this Paragraph are legal conclusions which do not  
20 require a response. To the extent such a response is required, Defendant responds:  
21 Deny.

22          155. The allegations in this Paragraph are legal conclusions which do not  
23 require a response. To the extent such a response is required, Defendant responds:  
24 Deny.

25          156. The allegations in this Paragraph are legal conclusions which do not  
26 require a response. To the extent such a response is required, Defendant responds:  
27 Deny.

157. The allegations in this Paragraph are legal conclusions which do not  
2 require a response. To the extent such a response is required, Defendant responds:  
3 Deny.

## **FIFTH CLAIM FOR RELIEF**

158. The allegations in this Paragraph are legal conclusions which do not  
5 require a response. To the extent such a response is required, Defendant responds:  
6  
7 Deny.

8        159. The allegations in this Paragraph are legal conclusions which do not  
9 require a response. To the extent such a response is required, Defendant responds:  
10 Deny.

11       160. The allegations in this Paragraph are legal conclusions which do not  
12 require a response. To the extent such a response is required, Defendant responds:  
13 Deny.

14        161. The allegations in this Paragraph are legal conclusions which do not  
15 require a response. To the extent such a response is required, Defendant responds:  
16 Deny.

17       162. The allegations in this Paragraph are legal conclusions which do not  
18 require a response. To the extent such a response is required, Defendant responds:  
19 Deny.

163. The allegations in this Paragraph are legal conclusions which do not  
require a response. To the extent such a response is required, Defendant responds:  
Deny.

## 23 | VII. RELIEF REQUESTED

24       a.     The allegations in this Paragraph are legal conclusions which do not  
25 require a response. To the extent such a response is required, Defendant responds:  
26 Deny.

27 b. The allegations in this Paragraph are legal conclusions which do not  
28 require a response. To the extent such a response is required, Defendant responds:

| Deny.

c. The allegations in this Paragraph are legal conclusions which do not require a response. To the extent such a response is required, Defendant responds:

| Deny.

d. The allegations in this Paragraph are legal conclusions which do not require a response. To the extent such a response is required, Defendant responds:

| Deny.

e. The allegations in this Paragraph are legal conclusions which do not require a response. To the extent such a response is required, Defendant responds:

10 | Deny.

11 f. The allegations in this Paragraph are legal conclusions which do not  
12 require a response. To the extent such a response is required, Defendant responds:

13 | Deny.

14 g. The allegations in this Paragraph are legal conclusions which do not  
15 require a response. To the extent such a response is required, Defendant responds:

16 | Deny.

17 h. The allegations in this Paragraph are legal conclusions which do not  
18 require a response. To the extent such a response is required, Defendant responds:

19 | Deny.

20 i. The allegations in this Paragraph are legal conclusions which do not  
21 require a response. To the extent such a response is required, Defendant responds:

22 | Deny.

23 j. The allegations in this Paragraph are legal conclusions which do not  
24 require a response. To the extent such a response is required, Defendant responds:

25 | Deny.

## **FIRST AFFIRMATIVE DEFENSE**

**(Standing)**

28 || 164. As a first, separate, and affirmative defense to the Complaint,

1 Defendant alleges that Plaintiff's Complaint, in its entirety, is unenforceable and  
2 void of legally required standing to constitute a cause of action against Defendant.

## **SECOND AFFIRMATIVE DEFENSE**

#### **(Failure to State a Claim)**

5        165. As a second, separate, and affirmative defense to the Complaint,  
6 Defendant alleges that neither the Plaintiff's Complaint, in its entirety, nor any  
7 purported cause of action set forth therein, alleges facts sufficient to constitute a  
8 cause of action against Defendant.

### **THIRD AFFIRMATIVE DEFENSE**

### **(Lack of Jurisdiction)**

11           166. As a third, separate, and affirmative defense to the Complaint,  
12 Defendant alleges they are not in violation of any permit, standard, regulation,  
13 condition, requirement, prohibition, or order contemplated by the laws and  
14 regulations cited in the Complaint, and thus, this Court lacks jurisdiction over this  
15 action.

#### **FOURTH AFFIRMATIVE DEFENSE**

### **(Past Violations)**

18        167. As a fourth, separate, and affirmative defense to the Complaint,  
19 Defendant is informed and believes, and on such information and belief, alleges that  
20 to the extent that Plaintiff alleges only wholly past violations, these are not subject  
21 to the citizen suit provisions of the Clean Water Act. 33 U.S.C. § 1365. Therefore,  
22 this Court lacks jurisdiction over Plaintiff's First Cause of Action, and Plaintiff has  
23 failed to state a claim upon which relief can be granted.

## **FIFTH AFFIRMATIVE DEFENSE**

## (De Minimis Impact)

26        168. As a fifth, separate, and affirmative defense to the Complaint,  
27 Defendant is informed and believes, and on such information and belief, alleges that  
28 this Court lacks subject matter jurisdiction because Defendant has made no impact

or, at most, a de minimis impact, to Waters of the United States to the extent there has been a discharge to the Waters of the United States.

## SIXTH AFFIRMATIVE DEFENSE

### (Laches)

169. As a sixth, separate, and affirmative defense to Complaint, Defendant  
alleges the Plaintiff delayed unreasonably in bringing the claims herein so as to  
prejudice the Defendant's ability to defend against the claims in the Complaint and  
that the claims are therefore barred.

## **SEVENTH AFFIRMATIVE DEFENSE**

## **(Eighth Amendment)**

11        170. As a seventh, separate, and affirmative defense to the Complaint,  
12 Defendant alleges that Plaintiffs claims herein, and each and every cause of action  
13 alleging damages to Plaintiff therein, under the Clean Water Act violate Defendant's  
14 rights under the Eighth Amendment to the United States Constitution, which  
15 prohibits the imposition of excessive fines. As applied in the manner requested by  
16 Plaintiff, any imposed penalty would be so severe and oppressive as to be a manifest  
17 violation of the constitutional prohibition of excessive fines and wholly  
18 disproportionate to the alleged offense giving rise to any penalty.

## **EIGHTH AFFIRMATIVE DEFENSE**

## **(Statute of Limitations)**

171. As an eighth, separate, and affirmative defense to the Complaint,  
Defendant alleges that any alleged past action of Defendant is barred by the  
applicable statutes of limitations, including but not limited to 28 U.S.C. § 2462  
which bars a claim "five years from the date when the claim first accrued."

## NINTH AFFIRMATIVE DEFENSE

### **(Third Parties)**

27        172. As a ninth, separate, and affirmative defense to the Complaint,  
28 Defendant alleges they are not liable for any alleged violations caused by or

resulting from intervening acts of third parties not under Defendant's control, and if the Clean Water Act requires that Defendant be liable for such acts, then Defendant's rights to due process and equal protection under the Fifth and Fourteenth Amendments to the United States Constitution have been violated. Furthermore, any damage to Plaintiff or statutory violation, which Defendant denies, is due to the acts or omissions of third parties for which Defendant is not liable.

## **TENTH AFFIRMATIVE DEFENSE**

## **(Intervening Act)**

9        173. As a tenth, separate, and affirmative defense to the Complaint,  
10 Defendant alleges that they cannot be liable for any alleged violations caused by or  
11 resulting from superseding intervening causes, and if the Clean Water Act requires  
12 that Defendant be liable for such acts, then Defendant's rights to due process and  
13 equal protection under the Fifth and Fourteenth Amendments to the United States  
14 Constitution have been violated.

## **ELEVENTH AFFIRMATIVE DEFENSE**

(Reliance)

17        174. As an Eleventh, separate, and affirmative defense to the Complaint,  
18 Defendant alleges that Defendant is not liable for any acts or omissions undertaken  
19 with the permission or at the direction of any governmental authority, including but  
20 not limited to any acts or omissions in accordance with permits, regulations, and  
21 laws, if any, applicable at the time of such acts or omissions. Furthermore, that  
22 Defendant, at all times relative to the matters which form the subject of the  
23 Complaint, acted in reliance upon the directions given to it by the pertinent  
24 government regulators.

## **TWELFTH AFFIRMATIVE DEFENSE**

### **(Best Management Practices)**

27        175. As a twelfth, separate, and affirmative defense the Complaint,  
28 Defendant is informed and believes and, based thereon, alleges that prior to the

1 commencement of this action, Defendant has adopted and implemented, to the  
 2 extent feasible, best management practices, in accordance with the General Permit,  
 3 and all other aspects of management and oversight, for the purposes of addressing  
 4 alleged discharges.

5 **THIRTEENTH AFFIRMATIVE DEFENSE**

6 **(Reservation Upon Discovery)**

7 176. Defendant reserves the right to raise any other defense which may be  
 8 legally warranted and that may arise as a result of discovery in this case.

9 **FOURTEENTH AFFIRMATIVE DEFENSE**

10 **(Notice)**

11 177. As a fourteenth, separate, and affirmative defense, Defendant is  
 12 informed and believes and, based thereon, alleges that this Court lacks jurisdiction  
 13 over the claims for relief presented in the Complaint that are based on alleged  
 14 violations of the Clean Water Act, to the extent that Plaintiff has failed to comply  
 15 with the notice provision set forth in 33 U.S.C. § 1365(b) and in Title 40 of the Code  
 16 of Federal Regulations. Furthermore, Plaintiff's alleged notice letter fails to  
 17 properly identify the pollutants allegedly discharged by Defendant and the specific  
 18 dates the violations allegedly occurred.

19 **FIFTEENTH AFFIRMATIVE DEFENSE**

20 **(Cause)**

21 178. As a fifteenth, separate, and affirmative defense, Defendant is informed  
 22 and believes and, based thereon, alleges that no act or omission by Defendant or its  
 23 agents and employees was the actual cause or proximate cause of any injury alleged  
 24 by Plaintiff in the Complaint.

25 **SIXTEENTH AFFIRMATIVE DEFENSE**

26 **(Conformed Conduct)**

27 179. As a sixteenth, separate, and affirmative defense, Defendant is  
 28 informed and believes and, based thereon, alleges that all conduct and activities of

1 Defendant alleged in the Complaint conformed to statutes, government regulations  
2 and BMPs, based on the state of knowledge existing at the times alleged in the  
3 complaint.

## **SEVENTEENTH AFFIRMATIVE DEFENSE**

## **(Contributory Limit)**

6        180. As a seventeenth, separate, and affirmative defense, Defendant is  
7 informed and believes and, based thereon, alleges that in the event that Defendant is  
8 held responsible, in whole or in part, for any civil penalties or other monetary  
9 award, and affirmative relief is granted against Defendant, then Defendant's liability  
10 is limited to the proportion of its contribution to any alleged injury or harm.

## **EIGHTEENTH AFFIRMATIVE DEFENSE**

### (Mootness)

13        181. As an eighteenth, separate, and affirmative defense, Defendant is  
14 informed and believes and based thereon, alleges that each cause of action therein is  
15 barred by the doctrine of mootness. Defendant presently complies with all  
16 applicable laws and regulations, and there is no reasonable likelihood that future  
17 violation of such laws and regulations will occur.

## NINETEENTH AFFIRMATIVE DEFENSE

### (Attorney Fees)

182. As a nineteenth, separate, and affirmative defense, Defendant is informed and believes and, based thereon, alleges that Plaintiff has neither facts nor a legal basis sufficient for an award of statutory attorneys' fees, and Plaintiff is not entitled to an award of attorneys' fees as a form of equitable relief.

## **TWENTIETH AFFIRMATIVE DEFENSE**

## (Joinder)

183. As a twentieth, separate, and affirmative defense, Defendant is informed and believes and, based thereon, alleges that the Complaint and each cause of action contained therein is barred because Plaintiff has failed to join necessary

1 and indispensable parties for a just adjudication of the claims raised in this  
2 proceeding.

## **TWENTY-FIRST AFFIRMATIVE DEFENSE**

### **(Additional Unknown Defenses)**

5        184. As a twenty-first, separate, and affirmative defense, Defendant is  
6 alleges that Defendant presently has insufficient knowledge and information upon  
7 which to form a belief as to whether Defendant may have additional, as yet unstated,  
8 defenses. Accordingly, Defendant reserves the right to assert additional defenses in  
9 the event discovery and/or investigation reveals a factual and/or legal basis for such  
10 affirmative defenses.

## **TWENTY-SECOND AFFIRMATIVE DEFENSE**

### **(Act of God)**

13        185. As a twenty-second, separate, and affirmative defense, Defendant is  
14 informed and believes, and on such information and belief alleges, that all alleged  
15 violations, alleged losses or alleged civil penalties, if any (all of which are expressly  
16 denied), were the direct and proximate result of an unavoidable incident or evolving  
17 environmental climate conditions and, as such, were an act of God without fault,  
18 liability or cause on the part of Defendant.

**JURY DEMAND**

20 Answering Defendant hereby demands trial by jury of any and all issues so  
21 triable.

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26 | / / /

27 | / / /

28 | / / /

1 WHEREFORE, this answering Defendant prays for the following relief:

- 2     1. That Plaintiff take nothing by way of the Complaint;  
3     2. That the Defendant be dismissed from this action with prejudice;  
4     3. For Defendant's costs of suit herein; and  
5     4. For such other and further relief as the Court may deem just and proper.

6 DATED: October 15, 2024

LEWIS BRISBOIS BISGAARD & SMITH LLP

9 By: /s/ Ryan Matthews

10 RYAN MATTHEWS

11 Attorneys for Defendant, ACCURATE  
12 STEEL TREATING, INC.

**FEDERAL COURT PROOF OF SERVICE**  
Los Angeles Waterkeeper v. Accurate Steel Treating, Inc.  
Case No. 2:24-cv-07503-SK

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

At the time of service, I was over 18 years of age and not a party to the action. My business address is 2020 West El Camino Avenue, Suite 700, Sacramento, CA 95833. I am employed in the office of a member of the bar of this Court at whose direction the service was made.

On October 15, 2024, I served the following document(s):

- #### - ANSWER TO COMPLAINT

I served the documents on the following persons at the following addresses (including fax numbers and e-mail addresses, if applicable):

**SEE ATTACHED SERVICE LIST**

The documents were served by the following means:

- (BY COURT'S CM/ECF SYSTEM) Pursuant to Local Rule, I electronically filed the documents with the Clerk of the Court using the CM/ECF system, which sent notification of that filing to the persons listed above.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed on October 15, 2024, at Sacramento, California.

/s/ Alicia Crespo  
Alicia Crespo

## SERVICE LIST

**Los Angeles Waterkeeper v. Accurate Steel Treating, Inc.  
Case No. 2:24-cv-07503-SK**

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